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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,575	11/16/2001	Johann Eibl	A34720-PCT-USA-A	7871

7590 12/24/2003  
BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

WEBER, JON P

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

Jon P Weber, Ph.D.

ART UNIT

PAPER

1651

12182003

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed on 03 December 2003 is not fully responsive to the Office communication mailed 29 September 2003 because applicant has not made both species elections as required, only "A". Quoting from page 5 of the Office action,

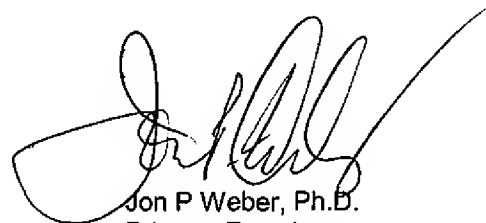
"If Group I is elected applicant is required under 35 U.S.C. 121 to elect (A) a single disclosed species of active agent group 1-6, and (B) within each species of active agent group 1- 6, to select of species of said active agent group, even though this requirement is traversed."

The basis for the species traversal is not understood. If the species are not obvious variants and are not patentably distinct, what are they?

If a complete reply has not been submitted by the time the period set in the Office communication mailed 29 September 2003 has expired, this application will become abandoned under 37 CFR 1.821(g) unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Jon P. Weber, Ph.D., Art Unit 1651, whose telephone number is (703) 308-4015.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
Jon P Weber, Ph.D.  
Primary Examiner  
Art Unit: 1651